In re Application	)	**PATENT APPLICATION**
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Inventor(s): Onyon, et al.	)	
	)	Art Unit: 2688
Application No.: 10/789,816	)	
	)	Examiner: Rampuria, Sharad K.
Filed: February 27, 2004	)	
	)	
Title: WIRELESS TELEPHONE DATA	)	**Customer No. 28554**
BACKUP SYSTEM	)	
	)	

EXAMINER INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

      The undersigned attorney wishes to thank the Examiner for his time in conducting a telephonic interview in the above-identified patent application on today's date, August 28, 2006.

      Participating in the Interview were the Examiner, the undersigned attorney and Liam Stannard, an inventor in the above-identified patent application.

      The purpose of the Interview was to discuss the patentability of the invention over U.S. Patent Application Publication No. 2004/0235523 to Schrire et al ("Schrire") cited as a basis for the rejection of the claims in the final Office action mailed to applicants on August 11, 2006. Following is a summary of the Interview.

      Applicants began by explaining a high level and fundamental difference between the claimed invention and the disclosure of Schrire. Applicants explained that the present invention is directed to a user interface provided over the mobile phone which allows a user to configure the backup process by user interface screens which prompt the user to make decisions how the back up and restore process will work. By contrast, Schrire discloses a backup system, but the reference does not disclose a user interface. Applicants explained that, in fact, Schrire teaches away from the claimed

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invention. Schrire goes into great lengths to explain how the backup and restore process is an automatic process; an unobtrusive process all done in the background. There are no user interfaces disclosed in Schrire for managing the backup or restore processes

The applicants then went on to discuss the specific limitations in claim 1. Claim 1 recites the limitation of:

> presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account;

Applicants pointed the Examiner to the support in applicants' specification associated with Figs. 3d – 3f, which show the user account set-up interface on the phone.

In support of the rejection of this limitation of claim 1, the Examiner said the above limitation was shown at Page 3, ¶ 61. Applicants explained that Schrire at that section said no more than that when the phone is turned on, an ID is entered. This ID grants access to the SIM card only. It is completely unrelated to a backup system.

The Examiner then pointed to ¶ 60, which mentions a keyboard, and said that a keyboard is a user interface for entering an ID. Applicants again pointed out that, even if that is correct, a keyboard without more does not disclose a back-up system user account set-up interface on the phone.

Applicants then discussed the next limitation in claim 1:

> presenting a backup scheduling interface to the user interface on the phone, the backup scheduling interface accepting user input on a backup schedule.

Applicants pointed the Examiner to the support in applicants' specification associated with Figs. 3g – 3j, which show backup scheduling interface on the phone allowing a user to configure different backup schedules.

In support of the rejection, the Examiner said that the above-cited limitation is shown in the specification at page 4, ¶ 84, which talks about having redundancy for the database 85. However, applicants respectfully pointed out to the Examiner that he appears to have misconstrued the reference, in that Schrire is not talking about backing up the SIM card at ¶ 84, but rather backing up

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database 85. Database 85 is the backend server within the data center that stores backed-up data. Whether the database 85 is backed up or not is completely unrelated to backing up the SIM card.

Moreover, applicants pointed out that there is no backup process in Schrire (data center database 85 or SIM card) that is user configured. The data backup of the SIM card in Schrire takes place automatically during idle periods of the phone. Applicants pointed out that there is no user interface disclosed in Schrire for setting when and how often backup is to occur. Such a user interface is specifically recited in the above-quoted limitation.

Applicants next discussed the final limitation of claim 1, which recites:

> presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone.

Applicants pointed the Examiner to the support in applicants' specification associated with Figs. 5a – 3e, which show the user interface for initiating a restore process.

In support of the rejection of this limitation of claim 1, the Examiner said the above limitation was shown at page 3, ¶¶ 65 and 67, and at page 7, ¶¶ 114, 119. However, applicants pointed out that none of these sections shows a user interface enabling a user to retrieve backup information. At best, these sections of Schrire disclose that the user is given a notification once the restore procedure is done. There is no user interface in Schrire for enabling a restore procedure. Restore happens automatically in Schrire.

The applicants pointed out that one or more of the above limitations appeared in each of the independent claims in one form or another.

The Examiner responded by again pointing out that Schrire discloses a keyboard in paragraph 60, and he said that the keyboard discloses the first limitation relating to a user interface for setting up a backup account. Applicants explained that, a keyboard without more would not disclose a back-up system user account set-up interface on the phone to one of skill in the art. Applicants explained further that, even if that the keyboard by itself did disclose the claimed interface of the first limitation (which applicants did not believe it does), then the remaining two

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limitations discussed above were still not met in Schrire. And that without a disclosure of each and every limitation of claim 1, the rejection over Schrire could not stand.

The Examiner never expressly agreed to remove the rejection of Schrire. However, the Examiner indicated that he believed he needed to "update his search."

Respectfully submitted,

Date: ___August 28, 2006_____   By: ___/Brian I. Marcus/_____
                                                            Brian I. Marcus
                                                            Reg. No. 34,511

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, CA 94105
Telephone: (415) 369-9660
Facsimile: (415) 369-9665

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